REMARKS

In response to the final Office Action dated October 20, 2004, Applicant respectfully requests favorable reconsideration of the above-captioned application in view of the following remarks. Claims 1-4, 7-11, 13-15, 18-24, 26, 32-35, 39-43, 49, 51, 52 and 55 remain pending in this application.

Regarding the Objection to the Declaration

The Office Action again objected to the declaration because it makes reference to 37 CFR 1.56(a) rather than the entire rule, i.e., 37 CFR 1.56. In response, Applicant will forward an executed Substitute Declaration to the Patent Office, and is currently working to provide such a Substitute Declaration.

Regarding the Objections to the Drawings

The Office Action again objected to Fig. 1 because, according to the Office Action, this figure should be labeled as PRIOR ART. This is not appropriate for a number of reasons. First, this figure was never intended to represent the prior art, and there is consequently no admission anywhere in the specification that this figure is prior art. In fact, the present application is part of several commonly assigned applications filed on April 30, 2001, including: 09/845,752; 09/847,037; 09/845,751; 09/847,067; 09/845,737; 09/845,780; 09/847,038; and 09/847,035. The introductory figures 1-3 in the present application describe features which are the focus, in part, of one or more of these other applications, such as, for example, 09/845,737. It is therefore inappropriate to label these figures as prior art, including Fig. 1. The Patent Office asserts that Fig. 1 represents the prior art, but has not provided any evidence to support its position.

Second, the Patent Office has withdrawn the objection to Fig. 2, which shows a multi-layer architecture 110. Fig. 1 illustrates the multi-layer architecture 110 as a general block within an application server system 106, and therefore implicitly includes all of the components that are shown in Fig. 2. If the Patent Office is satisfied that Fig. 2 should not be labeled as prior art, then Fig. 1 should also not be labeled prior art (because it incorporates the subject matter of Fig. 2). The fact that other features of Fig. 1 might be properly considered prior art *in isolation* is not the proper test for deciding whether a figure, as a whole, should be labeled as prior art. Insofar as at least one component of Fig. 1 is not part of the prior art, then it is inappropriate to label Fig. 1 as prior art.

Third, the Applicant has amended the drawings in the previous response to more clearly establish the nexus between the focus of the present application and Figs. 1-3 (e.g., by labeling the multi-layer application/domain architecture as an "International-Enabled Multi-Layer Application/Domain Architecture"). Regardless of the Patent Office's viewpoint on the prior art status of Fig. 1 in its original form, the changes made to the drawings in the previous response should render the objections to Fig. 1 moot. The Office Action points to a passage in the application which states that "Fig. 1 shows a network system 100 in which the tiered software architecture may be implemented" (page 5, lines 23 and 24), where the Examiner emphasizes the word "may" in the Office Action. It is true that the multi-layer functionality can be implemented on other systems, but this fact in no way implies that Fig. 1, as a whole, represents the prior art. Insofar as the specification supports the amendments made to Figs. 1-3 (and it does), then the prior amendments made to the drawings should be approved, and the objection to the drawings should be withdrawn.

For any one or more of the above three reasons, the Applicant respectfully requests that the objection to the drawings be withdrawn.

35 U.S.C. § 103 Rejections

Claims 1-4, 13-15, 18-24, 26, 32-35, 41-43, 49, 51, 52 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. Patent No. 5,678,039 to Hinks et al. in view of "OpenWindows Developer's Guide: Xview Code Generator Programmer's Guide," by Sun Microsystems and further in view of "Effective awk-Programming, 3rd Edition," by Robbins (referred to below as "Robbins"). Claims 7, 8 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sun in view of Robbins. Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sun in view of Robbins and U.S. Published Patent Application No. 2002/0107684 to Gao. Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sun in view of Robbins and Hinks. And, finally, claims 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hinks in view of Sun, Robbins and Gao. Applicant respectfully traverses each of these rejections for the reasons stated below.

Robbins is not a valid prior art reference because it its publication date is not prior to the filing date of the instant application. Namely, the instant application was filed on April 30, 2001, while the Robbins document lists a publication date of May 2001. Because Robbins is not prior to the filing date of the instant application, it cannot qualify as prior art. For at least the reason that Robbins is used in all of the § 103 rejections, all of the rejections fail to set forth a prima facie case of obviousness. On at least these grounds, Applicant respectfully requests that all of the above-identified § 103 rejections be withdrawn.

Moreover, the Applicant contends that – even if, assuming for the sake of argument, the Robbins document qualified as a valid prior art reference (which it does not) – the applied documents do not satisfy all of the features recited in the claims, whether the applied documents are considered alone or in any combination. To facilitate

the Examiner's handling of this case, the Examiner is invited to contact the Applicant's below-signed representative by telephone to discuss the claims vis-à-vis all of the cited references, including the Robbins document, so as to expedite the allowance of this application.

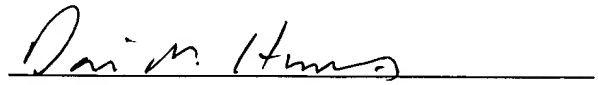
Conclusion

The arguments presented above are not exhaustive; Applicant reserves the right to present additional arguments to fortify its position. Further, Applicant reserves the right to further challenge the alleged prior art status of one or more documents cited in the Office Action.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and such allowance is respectfully solicited. The Examiner is urged to contact the undersigned if any issues remain unresolved by this Amendment.

Respectfully Submitted,

Dated: January 20, 2005

By: 

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